C.S. 2001

SINGLE BENCH

(5)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 3500/2006

PETITIONERS

1. Krishna Kumar Bhaskar, aged about 28 years, son of Shri Dhune Singh Bhaskar, R/o. village Kodejunga, Post Kokpur, Tehsil and District Kanker (C.G.)

2. Naresh Kumar Salam, aged about 23 years, Son of Halal Khore Salam, R/o. Village Kanhanpuri, Post Markatola, Tehsil Narharpur, Distt. Kanker (C.G.)

P.R. No. 3560/06 Presented by Sh. Manoj Chauhan dated 13/7/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through - the Secretary, Ministry of Home Affairs, Dau Kalyan Singh Bhawan, Mantralay, Raipur (C.G.)

2. The Superintendent of Police District Kanker (C.G.)

3. The Inspector General of Police, Bastar Range, Jagdalpur (C.G.)

4. District Medical Board, through Chairman, District Hospital, Kanker, (C.G.)

NOTARY SMT. VIDLA SHARMA ADVOCATE NOTARY NO. M.P. 02/2000 KANKER GOVT. OF INDIA

RECEIVED-COPY 13/7/06 CLERK TO A. G. BILASPUR

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT / WRITS, ORDER / ORDERS, DIRECTION / DIRECTIONS IN THE NATURE OF MANDAMUS / CERTIORARY / PROHIBITION ETC.

01. PARTICULARS OF THE PETITIONER

As per cause title.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..WPRN0..3509 सन् 2006

56

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

17-7-2006

Shri Rahul Jha, counsel for the petitioners.

Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondents, on advance copy.

Heard both the counsel.

By this writ petition, the petitioners have prayed for quashment of the second medical opinion Annexutre-P/4 & P/5, also quashment of the order Annexure-P/8 and for directing the respondents for fresh medical test of the petitioners.

The case of the petitioners is that in response to the advertisement for direct recruitment on the post of constable Annexure-P/1 the petitioners applied in the office of the Superintendent of Police, Kanker and thereafter, they were selected. After selection, they were asked to appear before the District Medical Board. Vide Annexure-P/4 Krishna Kumar Bhaskar and vide Annexure-P/5 Naresh Kumar were declared medically fit. However, they were again referred to the same District Medical Board in which they were declared medically unfit on account of hyper tension.

The main grievance of the petitioners is that they ought to have been referred to the State Level Medical Board in order to ascertain correct medical position. The petitioners made a representation but no response has been given by respondents.

Learned counsel for the petitioners argued that in such cases, Shri J.K. Thorat, Assistant Inspector General of Police, on the request of S.P., Kanker, vide letter dated 25-5-2006 advised the S.P., Kanker to get the candidate examined from the State Level Board if he has been declared medically unfit on account of hyper tension.

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

(57)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel for the petitioners submitted that the petitioners' case is also similar, therefore, in the circumstances, when there was difference of opinion of the Medical Board, the Superintendent of Police, Kanker ought to have referred the case of the petitioners for medical examination to the State Level Board. However, in the circumstances, the only limited prayer of the petitioners is that the Superintendent of Police, Kanker be directed to refer the cases of the petitioners to the State Level Board for their medical examination to which learned counsel for respondents has no objection. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, and also having regard to the letter dated 25-5-2006 issued by Shri J.K. Thorat, Assistant Inspector General of Police, Police Headquarter, Raipur to S.P. Kanker, the Superintendent of Police, Kanker is directed to get the petitioners medically examined by the State Level Board and thereafter to take decision about the medical fitness of the petitioners for consideration of their appointment as constable, within a period of 30 days from the date of receipt of copy of this order. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No.2688/2006 also stands disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	
Barve		

P.T.O.

19/5/06 26/5/06